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CIRCUIT COURT OF
ILLINOIS COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION
LAW DIVISION
CLERK DOROTHY BROWN

CHERYL FACTOR,)
)
 Plaintiff,)
)
 v.) No.
)
)
 PULKIT KAPUR, AVIS BUDGET CAR)
 RENTAL, LLC, AVIS RENT A CAR)
 SYSTEM, LLC, and THE MATHWORKS)
 INC.,)
)
 Defendants.)
)

COMPLAINT AT LAW

Plaintiff Cheryl Factor, through her attorneys, RAPOPORT LAW OFFICES, P.C., in support of her Complaint at Law against Defendants Pulkit Kapur, Avis Budget Car Rental, LLC, Avis Rent a Car System, LLC, and The Mathworks, Inc. states the following:

COUNT I – Negligence Pulkit Kapur

1. This lawsuit arises out of an automobile versus pedestrian collision that occurred on June 21, 2015 at approximately 5:30 p.m. in the driveway of the Hilton Orrington Hotel at or near 1710 Orrington Drive, in the City of Evanston, Cook County, Illinois.

2. The collision occurred in Cook County, therefore venue is proper pursuant to 735 ILCS 5/2-101(2).

3. At all relevant times, Defendant Pulkit Kapur operated and/or controlled a 2015 Subaru Impreza.

4. On June 21, 2015, at approximately 5:30 p.m., Plaintiff Cheryl Factor was a pedestrian standing on the sidewalk outside of the Hilton Orrington Hotel located at 1710 Orrington Avenue, Evanston, Illinois.

5. On June 21, 2015, at approximately 5:30 p.m., Defendant Pulkit Kapur was operating the 2015 Subaru Impreza when he stopped at the valet stand at the Hilton Orrington Hotel. Defendant Pulkit Kapur proceeded to exit his vehicle while the vehicle was still in drive. The vehicle immediately started moving forward and he re-entered the vehicle, pressed the gas pedal instead of the brake pedal, causing the vehicle to drive up onto to the sidewalk and strike Plaintiff.

6. As a result of this occurrence, Cheryl Factor sustained severe personal injuries for which she received extensive medical treatment.

7. At all times relevant it was the duty of Defendant Pulkit Kapur to exercise reasonable care in the operation of the Subaru Impreza for the safety of the general public, including but not limited to Plaintiff Cheryl Factor.

8. Notwithstanding said duty, Defendant Pulkit Kapur, committed the following negligent acts and/or omissions:

- a. Exited the Subaru Impreza while the vehicle was still in drive;

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- b. Failed to ensure the Subaru Impreza was in park prior to exiting the vehicle;
- c. Failed to press the brake pedal upon re-entering the Subaru Impreza;
- d. Drove the Subaru Impreza onto to the sidewalk and into Plaintiff;
- e. Operated the Subaru Impreza at a speed which was too fast and unsafe for the conditions in violation of 625 ILCS 5/11-601(a);
- f. Failed to reduce speed in order to avoid a collision in violation of 625 ILCS 5/11-601(a);
- g. Failed to exercise due care to avoid colliding with a pedestrian in violation of 625 ILCS 5/11-1003.1;
- h. Failed to yield the right of way to a pedestrian on a sidewalk in violation of 625 ILCS 5/11-1008;
- i. Carelessly and improperly drove the Subaru Impreza without first appreciating the conditions then and there present.

9. As a direct and proximate result of one or more of the aforementioned negligent acts and/or omissions, Plaintiff Cheryl Factor suffered serious injuries of a personal and pecuniary nature including but not limited to pain, suffering, disability, loss of a normal life, medical expenses, lost earnings and a loss of earning capacity. These losses have been incurred in the past and will continue to be incurred in the future. All or some of these losses are permanent.

WHEREFORE, Plaintiff Cheryl Factor respectfully requests that judgment be entered in her favor and against Defendant Pulkit Kapur in an

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amount that will fully and fairly compensate the Plaintiff for all of her damages, which substantially exceed the minimum jurisdictional amount.

COUNT II – Negligent Infliction of Emotional Distress – Pulkit Kapur

10. Plaintiff Cheryl Factor adopts and incorporates all of the allegations of Count I by reference.

11. As a direct and proximate result of the negligence of the Defendant Pulkit Kapur, the Plaintiff has and will in the future suffer harm from the Defendant's negligent infliction of emotional distress.

WHEREFORE, Plaintiff Cheryl Factor respectfully requests that judgment be entered in her favor and against Defendant Pulkit Kapur in an amount that will fully and fairly compensate the Plaintiff for all of her damages, which substantially exceed the minimum jurisdictional amount.

COUNT III – Negligence – Avis Budget Car Rental, LLC

12. Plaintiff Cheryl Factor adopts and incorporates Paragraphs 1-6 of Count I by reference.

13. At all relevant times, Defendant Avis Budget Car Rental LLC, and/or its subsidiaries was the registered owner of the 2015 Subaru Impreza being driven by Defendant Pulkit Kapur.

14. On information and belief, Defendant Pulkit Kapur entered into a rental car agreement with Defendant Avis Budget Car Rental LLC to operate the 2015 Subaru Impreza.

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15. At all relevant times, Defendant Pulkit Kapur operated the 2015 Subaru Impreza as an agent of Defendant Avis Budget Car Rental LLC.

16. At all times relevant it was the duty of Defendant Pulkit Kapur to exercise reasonable care in the operation of the Subaru Impreza for the safety of the general public, including but not limited to Plaintiff Cheryl Factor.

17. Notwithstanding said duty, Defendant Pulkit Kapur, as an agent of Defendant Avis Budget Car Rental LLC, committed the following negligent acts and/or omissions:

- a. Exited the Subaru Impreza while the vehicle was still in drive;
- b. Failed to ensure the Subaru Impreza was in park prior to exiting the vehicle;
- c. Failed to press the brake pedal upon re-entering the Subaru Impreza;
- d. Drove the Subaru Impreza onto to the sidewalk and into Plaintiff;
- e. Operated the Subaru Impreza at a speed which was too fast and unsafe for the conditions in violation of 625 ILCS 5/11-601(a);
- f. Failed to reduce speed in order to avoid a collision in violation of 625 ILCS 5/11-601(a);
- g. Failed to exercise due care to avoid colliding with a pedestrian in violation of 625 ILCS 5/11-1003.1;
- h. Failed to yield the right of way to a pedestrian on a sidewalk in violation of 625 ILCS 5/11-1008;

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i. Carelessly and improperly drove the Subaru Impreza without first appreciating the conditions then and there present.

18. As a direct and proximate result of one or more of the aforementioned negligent acts and/or omissions, Plaintiff Cheryl Factor suffered serious injuries of a personal and pecuniary nature including but not limited to pain, suffering, disability, loss of a normal life, medical expenses, lost earnings and a loss of earning capacity. These losses have been incurred in the past and will continue to be incurred in the future. All or some of these losses are permanent.

WHEREFORE, Plaintiff Cheryl Factor respectfully requests that judgment be entered in her favor and against Defendant Avis Budget Car, LLC in an amount that will fully and fairly compensate the Plaintiff for all of her damages, which substantially exceed the minimum jurisdictional amount.

COUNT IV – Negligent Infliction of Emotional Distress –
Avis Budget Car Rental, LLC

19. Plaintiff Cheryl Factor adopts and incorporates all of the allegations of Count III by reference.

20. As a direct and proximate result of the negligence of the Defendant Pulkit Kapur, as an agent of Defendant Avis Budget Car Rental, LLC, the Plaintiff has and will in the future suffer harm from the Defendant's negligent infliction of emotional distress.

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WHEREFORE, Plaintiff Cheryl Factor respectfully requests that judgment be entered in her favor and against Defendant Avis Budget Car Rental, LLC in an amount that will fully and fairly compensate the Plaintiff for all of her damages, which substantially exceed the minimum jurisdictional amount.

COUNT V – Negligence – Avis Rent a Car Systems, LLC

21. Plaintiff Cheryl Factor adopts and incorporates Paragraphs 1-6 of Count I by reference.

22. At all relevant times, Defendant Avis Rent a Car Systems, LLC, and/or its subsidiaries was the registered owner of the 2015 Subaru Impreza being driven by Defendant Pulkit Kapur.

23. On information and belief, Defendant Pulkit Kapur entered into a rental car agreement with Defendant Avis Rent a Car Systems, LLC to operate the 2015 Subaru Impreza.

24. At all relevant times, Defendant Pulkit Kapur operated the 2015 Subaru Impreza as an agent of Defendant Avis Rent a Car Systems, LLC.

25. At all times relevant it was the duty of Defendant Pulkit Kapur to exercise reasonable care in the operation of the Subaru Impreza for the safety of the general public, including but not limited to Plaintiff Cheryl Factor.

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26. Notwithstanding said duty, Defendant Pulkit Kapur, as an agent of Defendant Avis Rent a Car Systems, LLC, committed the following negligent acts and/or omissions:

- a. Exited the Subaru Impreza while the vehicle was still in drive;
- b. Failed to ensure the Subaru Impreza was in park prior to exiting the vehicle;
- c. Failed to press the brake pedal upon re-entering the Subaru Impreza;
- d. Drove the Subaru Impreza onto to the sidewalk and into Plaintiff;
- e. Operated the Subaru Impreza at a speed which was too fast and unsafe for the conditions in violation of 625 ILCS 5/11-601(a);
- f. Failed to reduce speed in order to avoid a collision in violation of 625 ILCS 5/11-601(a);
- g. Failed to exercise due care to avoid colliding with a pedestrian in violation of 625 ILCS 5/11-1003.1;
- h. Failed to yield the right of way to a pedestrian on a sidewalk in violation of 625 ILCS 5/11-1008;
- i. Carelessly and improperly drove the Subaru Impreza without first appreciating the conditions then and there present.

27. As a direct and proximate result of one or more of the aforementioned negligent acts and/or omissions, Plaintiff Cheryl Factor suffered serious injuries of a personal and pecuniary nature including but not limited to pain, suffering, disability, loss of a normal life, medical expenses, lost earnings and a loss of earning capacity. These losses have been incurred

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in the past and will continue to be incurred in the future. All or some of these losses are permanent.

WHEREFORE, Plaintiff Cheryl Factor respectfully requests that judgment be entered in her favor and against Defendant Avis Rent a Car Systems, LLC in an amount that will fully and fairly compensate the Plaintiff for all of her damages, which substantially exceed the minimum jurisdictional amount.

**COUNT VI – Negligent Infliction of Emotional Distress –
Avis Rent a Car Systems, LLC**

28. Plaintiff Cheryl Factor adopts and incorporates all of the allegations of Count V by reference.

29. As a direct and proximate result of the negligence of the Defendant Pulkit Kapur, as an agent of Defendant Avis Rent a Car Systems, LLC, the Plaintiff has and will in the future suffer harm from the Defendant's negligent infliction of emotional distress.

WHEREFORE, Plaintiff Cheryl Factor respectfully requests that judgment be entered in her favor and against Defendant Avis Rent a Car Systems, LLC in an amount that will fully and fairly compensate the Plaintiff for all of her damages, which substantially exceed the minimum jurisdictional amount.

COUNT VII – Negligence – The Mathworks, Inc.

30. Plaintiff Cheryl Factor adopts and incorporates Paragraphs 1-6 of Count I by reference.

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31. At all relevant times, Defendant Pulkit Kapur operated the 2015 Subaru Impreza as an agent and/or employee of Defendant The Mathworks, Inc.

32. At all times relevant it was the duty of Defendant Pulkit Kapur to exercise reasonable care in the operation of the Subaru Impreza for the safety of the general public, including but not limited to Plaintiff Cheryl Factor.

33. Notwithstanding said duty, Defendant Pulkit Kapur, as an agent and/or employee of Defendant The Mathworks, Inc., committed the following negligent acts and/or omissions:

- a. Exited the Subaru Impreza while the vehicle was still in drive;
- b. Failed to ensure the Subaru Impreza was in park prior to exiting the vehicle;
- c. Failed to press the brake pedal upon re-entering the Subaru Impreza;
- d. Drove the Subaru Impreza onto to the sidewalk and into Plaintiff;
- e. Operated the Subaru Impreza at a speed which was too fast and unsafe for the conditions in violation of 625 ILCS 5/11-601(a);
- f. Failed to reduce speed in order to avoid a collision in violation of 625 ILCS 5/11-601(a);
- g. Failed to exercise due care to avoid colliding with a pedestrian in violation of 625 ILCS 5/11-1003.1;
- h. Failed to yield the right of way to a pedestrian on a sidewalk in violation of 625 ILCS 5/11-1008;

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- i. Carelessly and improperly drove the Subaru Impreza without first appreciating the conditions then and there present.

34. As a direct and proximate result of one or more of the aforementioned negligent acts and/or omissions, Plaintiff Cheryl Factor suffered serious injuries of a personal and pecuniary nature including but not limited to pain, suffering, disability, loss of a normal life, medical expenses, lost earnings and a loss of earning capacity. These losses have been incurred in the past and will continue to be incurred in the future. All or some of these losses are permanent.

WHEREFORE, Plaintiff Cheryl Factor respectfully requests that judgment be entered in her favor and against Defendant The Mathworks, Inc. in an amount that will fully and fairly compensate the Plaintiff for all of her damages, which substantially exceed the minimum jurisdictional amount.

**COUNT VIII – Negligent Infliction of Emotional Distress –
The Mathworks, Inc.**

35. Plaintiff Cheryl Factor adopts and incorporates all of the allegations of Count VII by reference.

36. As a direct and proximate result of the negligence of the Defendant Pulkit Kapur, as an agent of Defendant The Mathworks, Inc., the Plaintiff has and will in the future suffer harm from the Defendant's negligent infliction of emotional distress.

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WHEREFORE, Plaintiff Cheryl Factor respectfully requests that judgment be entered in her favor and against Defendant The Mathworks, Inc. in an amount that will fully and fairly compensate the Plaintiff for all of her damages, which substantially exceed the minimum jurisdictional amount.

PLAINTIFF DEMANDS A TRIAL BY JURY

Respectfully submitted,

CHERYL FACTOR

By: 
One of plaintiff's attorneys

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